

*Information* **UPDATE**

Wisconsin Department of Public Instruction/John T. Benson, State Superintendent/125 S. Webster St./P.O. Box 7841/ Madison, WI 53707-7841

**BULLETIN NO. 99.09**

**December 1999**

**TO:** District Administrators, CESA Administrators, CCDEB Administrators,  
Directors of Special Education and Pupil Services, and Other Interested Parties

**FROM:** Juanita S. Pawlisch, Ph.D., Assistant Superintendent  
Division for Learning Support: Equity and Advocacy

**SUBJECT:** Transition from Birth to 3 Programs to Special Education

- 1. Both the Individuals with Disabilities Education Act (IDEA) and Wisconsin's state statutes and rules now require Birth to 3 Programs and local education agencies (LEAs) to establish procedures to ensure smooth and effective transition from early intervention programs to LEA preschool special education programs. What procedures are required?**

To ensure that an individualized education program (IEP) has been developed and a free appropriate public education (FAPE) is made available by the child's third birthday, Part C of IDEA establishes preschool transition procedures. These procedures are further defined in the Wisconsin Administrative Code, HFS 90.10(5)(f), that govern the Birth to 3 Programs. A written plan must be developed for the steps to be taken to support the child and family through transitions, including the transition upon reaching the age of 3 to early childhood special education programs and other services that may be available. These steps shall include:

- A. Discussing a prospective transition, in advance, with the parents and giving them information about the new setting and other matters related to the child's transition, including the role of the family;
- B. Implementing procedures to prepare the child for changes in service delivery, including helping with adjustments to and functioning in the new setting;
- C. With parental consent, forwarding of information about the child to the LEA or other service agency to assure continuity of services; and
- D. Convening, with the approval of the family, a conference involving the family, the county administrative agency, and the LEA responsible for early childhood special education programs, at least 90 days before the child reaches the age of 3 in order to:
  1. Prepare a written transition plan to reflect decisions made at the conference and the roles of sending and receiving agencies; and
  2. Review the child's program options for the period from the child's third birthday through the remainder of the school year.

The 1997 revisions to IDEA Part B and Chapter 115 reinforces the importance of the transition planning conference by requiring that LEAs participate in these conferences when invited.

## **2. What are some considerations in making a referral for special education?**

In order to determine if a child is eligible for special education services, an evaluation must be completed. To begin the evaluation process, a referral must be submitted to the LEA. A referral to the LEA must be in writing and include the name of the child and the reasons to believe the child is a child with a disability. The LEA has 90 days to complete the evaluation, develop the IEP, and offer a placement. The 90-day timeline begins the day that the LEA receives this written referral.

For children enrolled in the Birth to 3 Program, the timing of the referral will vary as it will be based on the individual needs of the child and family and on interagency agreements. The referral may be made at the transition planning conference or before or after the conference.

With the requirement that LEAs participate in the transition planning conference, it is now even more important that parents be informed of their right to refer as well as implications for the timing of referrals. The Birth to 3 Program has an obligation to discuss referral options with the parents so they are aware of the impact of their decision about the timing of the referral.

## **3. What is the transition planning conference?**

The transition planning conference is the cornerstone of the transition process. It is an opportunity for the family, Birth to 3 Program staff, and LEA staff to come together to make plans regarding the transition process. When a child may also be eligible for Head Start services, Head Start staff should be asked to attend the conference. The transition planning conference is an opportunity to explain eligibility criteria, service options, and the IEP process. The transition planning conference can lay the foundation for the development of the IEP in conjunction with the goals and outcomes from the child's individualized family service plan (IFSP). At the transition planning conference, the IFSP transition plan is updated to reflect responsibilities, decisions, and activities for the period from the transition meeting until the child begins services in the receiving agency.

## **4. Typically, what are the steps in the transition planning process?**

In most instances, the transition process will proceed as follows:

- A. With the approval of the child's parents, the Birth to 3 Program sends the LEA an invitation to a transition planning conference because it is believed that the child may be eligible for special education. This conference is scheduled at least 90 days before the child's third birthday.
- B. At the transition planning conference, the participants may discuss:
  - the appropriateness of a referral and, if uncertain, consider a developmental review,
  - special education eligibility criteria and program options,
  - the IEP team process, including evaluation, IEP development and placement,
  - parental rights and procedural safeguards, and
  - other services/programs available at age three.
- C. Often at the transition planning conference, the family decides to proceed with the special education process. At the conference, the written referral can be completed and submitted to the LEA personnel. This would begin the 90-day timeline. The family can also sign the Birth to 3 Program forms giving consent to release records.

D. Before ending the transition planning conference, the Birth to 3 Program updates the IFSP to include a transition plan that reflects the decisions made at the conference and the roles of each agency. This could include: transferring of Birth to 3 Program records, Birth to 3 participation on the IEP team, reviewing existing data, holding the IEP team meeting, and other activities to support the child and family during the transition.

**5. What if the family cannot decide at the transition planning conference if they want to proceed with a referral for special education?**

In some instances, the family may feel they need more time to decide whether to proceed with the special education process. In this instance, the process may occur as follows:

A. Before ending the transition planning conference, the Birth to 3 Program updates the IFSP with a transition plan that includes:

- the procedures and timelines that will be used to provide the family with any additional information about the special education process, and
- the procedures for when and how the LEA will be informed of the family's decision.

B. When the family makes their final decision, the following will occur:

- If the family decides to proceed with the referral for a special education evaluation, the Birth to 3 Program will obtain consent to send the written referral and supporting data or records. The date the LEA receives the referral begins the 90-day timeline. The LEA will then proceed with the IEP team process.
- If the family decides not to proceed with the referral for special education, the Birth to 3 Program will ensure that the LEA is informed of the parent's decision. This process could include sending a copy of a form signed by the parent indicating the parent's refusal to give permission to make the referral to the LEA and refusal to transfer any information. The parent's refusal would be considered a refusal for the LEA to begin an initial evaluation at this time. The family may refer the child for an evaluation at any time and the LEA must initiate an evaluation upon receipt of such referral. Further, the LEA must make FAPE available upon the child's enrollment in the LEA.

**6. In some instances, the family already understands the special education process and is ready to make a referral for a special education evaluation prior to the transition planning conference. Is this possible?**

Some parents are already familiar with the special education process. They have enough information to know they want to proceed with the special education referral, and they do not need the transition planning conference to gather more information. In these instances, the parent gives Birth to 3 Program staff consent to invite the LEA staff to the transition planning conference, make the written referral for special education, and send Birth to 3 Program records. In this instance, the transition planning conference and IEP team process can work together. The process may look like this:

A. The Birth to 3 Program sends the LEA the written referral form, supporting data and records documenting the reasons for referral, and the invitation to the conference. The date the LEA receives this referral begins the 90-day timeline and, therefore, should be at least 90 days before the child's third birthday.

- B. Prior to the conference, the LEA sends the parent written notice of receipt of referral and start of initial evaluation. This notice includes the IEP team participants. Since the transition planning conference and IEP team meeting are being combined, the LEA would also send an invitation for the IEP team meeting stating the purpose, place, time and who will be attending.
- C. Prior to the conference, the LEA appoints the IEP team who reviews the previous records and attends the transition planning conference.
- D. At the combined transition planning conference and IEP team meeting, the following tasks occur:
  - The IEP team explains the IEP team process.
  - The IEP team reviews existing data and determines whether additional tests or other evaluations are necessary.
  - If no additional tests are necessary, the LEA will provide the parent with notice to that effect. The LEA could continue the meeting to determine eligibility based on this existing data or they could schedule a later meeting. IEP team participants, including the parent, always have the right to request additional time to permit meaningful parent participation.
  - If any additional evaluations are necessary, notice is provided, written parental consent is obtained, and evaluation schedules are arranged.
  - The Birth to 3 Program updates the IFSP with a transition plan reflecting the decisions made at the conference and any remaining steps in the transition process to support the child and family during the transition.

**7. Are there times when the Birth to 3 Program would not invite the LEA to a transition planning conference or make a referral for a child with a suspected disability?**

Yes, the federal and state laws governing the Birth to 3 Program require that parental approval must be obtained in order to invite the LEA to a transition planning conference. These laws also indicate that parental consent is needed to make a referral to the LEA. If the family refuses to give consent for the invitation to the transition conference or for the referral, the Birth to 3 Program cannot provide personally identifiable information to the LEA related to this child. In these instances, it is important that the Birth to 3 Program assists the family in making an informed decision. The Birth to 3 Program should:

- provide the family with information on the special education process and potential benefits of participation;
- offer the transition planning conference as an opportunity for the family to obtain more information prior to making their final decision on referral;
- discuss potential impacts on the child's development if the family decides not to refer; and
- inform the family about the process used to make a referral if the family changes their mind at a later date.

To assist the LEA in maintaining its child find responsibilities, the Birth to 3 Program should inform the LEA that the parents have not given consent for the referral of their child with a suspected disability. No identifiable information should be provided. Birth to 3 Programs, and LEAs should also develop a system to annually provide non-identifiable child find information to the LEA about children with suspected educational needs being served by the Birth to 3 Program.

**8. Since the Birth to 3 Program and the LEA operate on different yearly calendars, a smooth transition for some children is more difficult when their birthdays are early or late in the school year or during the summer. What are some options for addressing the delivery of services in these instances?**

The timing of a child's third birthday will influence the transition process and timeframe. Interagency collaboration will be especially critical when the child turns three between the months of May and October. Local interagency agreements should address referral procedures in these instances to ensure that the timelines can be met and the transition is as smooth as possible.

The IEP team, which includes the parents, will consider the child's developmental needs, determine the services to be provided by the LEA, and establish the date that services will begin. Based on the child's individual needs, several options may be considered:

- Generally, children turning three late in the school year should begin school services when they turn three. In some instances, the IEP team, including the family, may decide that IEP services will begin at the start of the new school year. The Birth to 3 Program may develop a transition plan that continues current services.
- When children turn three during the summer, the IEP team, which includes the parent, may begin to implement the IEP upon the start of the school year or, if necessary, for the child to receive FAPE. The IEP team may decide to begin to implement the IEP through extended school year (ESY) services. When the IEP team determines that special education services will begin at the start of the school year, the Birth to 3 Program may develop a transition plan to continue services until the IEP services begin.
- Children turning three early in the school year may begin school services prior to age three as determined by school board policy and the IEP team.

**9. When a child who is almost three years of age is referred to a Birth to 3 Program, what are the responsibilities of each agency?**

There may be occasions when a Birth to 3 Program receives a referral of a child who is two years and nine months or older. In these instances, the Birth to 3 Program will:

- conduct a screening;
- if it appears likely that the child is eligible for a Birth to 3 Program, develop an interim IFSP that includes transition planning and other services, such as service coordination or services that need to be started prior to the completion of an evaluation;
- if it appears likely that the child may have an impairment and the need for special education, convene a transition planning conference and make a referral as discussed in questions 2-7 in this *Information Update*.

If a referral is made, the LEA will be responsible to attend the transition planning conference and conduct the evaluation.

## **10. What other activities may make the transition easier for the child and family?**

In addition to the transition meeting, there may be other activities to assist the child and family in experiencing a smooth transition process. The following activities may be utilized:

- Develop the child's IEP in conjunction with the goals and outcomes from the child's IFSP.
- Arrange for teachers, or other appropriate LEA staff to observe the child in the Birth to 3 Program's service setting.
- Arrange opportunities for Birth to 3 Program staff to visit and observe in the new setting.
- Offer an opportunity for parents to visit the new setting and meet the teacher and other key staff.
- If the special education services are delivered in a child care setting or a Head Start program, arrange a meeting between staff from these programs and special education.
- Arrange activities to assist children in adjusting to the new setting, such as preplacement visits.
- Schedule post-transition conferences, with parental consent, that involve both the sending and receiving agencies.

## **11. Many Birth to 3 Programs and LEAs currently have interagency agreements. Should these be updated to reflect the transition planning conference?**

Yes. The new requirement for LEA participation in the transition planning conference brings increased focus on the LEA's legal responsibility related to referrals. Local interagency agreements should be revised or developed that define the interagency policies and procedures related to transition. Interagency agreements between the Birth to 3 Program and the LEA can provide the framework for transition planning conferences and referral procedures. This should include specific roles and responsibilities related to the provision of information to the parent, LEA participation in the transition planning conference, methods to obtain consent, and timelines to address late spring, summer, and early fall birthdates.

The interagency agreement between the Department of Health and Family Services and the Department of Public Instruction related to infants and toddlers with disabilities and their families has recently been updated and may be helpful as local interagency agreements are revised or developed. This agreement is attached.

Questions related to the content of this bulletin may be directed to Jill Haglund, Early Childhood Consultant, at (608) 267-9625.

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Attachment

This information update can also be accessed through the Internet:

**<http://www.dpi.state.wi.us/dpi/dlsea/een/bulindex.html>**

# STATE OF WISCONSIN

## Interagency Agreement

### INFANTS AND TODDLERS WITH DISABILITIES AND THEIR FAMILIES

### PUBLIC AWARENESS, CHILD FIND, AND TRANSITION AGREEMENT

**Department of Health and Family Services**

**Department of Public Instruction**



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Division for Learning Support:  
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*Making a difference.*

Department of Health and  
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#### **I. INTRODUCTION**

Through a previous interagency agreement, the Wisconsin Department of Health and Family Services (DHFS) and the Wisconsin Department of Public Instruction (DPI) have demonstrated their commitment to providing collaborative multidisciplinary services to infants, toddlers and young children with disabilities. The previous agreement established the general provisions for interagency collaboration including purpose, agency roles, fiscal responsibilities and procedures for dispute resolution. This agreement revises the previous agreement to bring it in compliance with the 1997 reauthorization of the Individuals with Disabilities Education Act (IDEA) and the implementing regulations; Chapter

115, Wisconsin Statutes revised on May 6, 1998; PI 11, Wis. Adm. Code; and HFS 90, Wis. Adm. Code. A related agreement exists between Head Start, DPI and DHFS specific to child find, transition, and the collaborative delivery of services to young children with disabilities.

## **II. PARTIES TO THE AGREEMENT**

This agreement is between the Wisconsin DHFS and Wisconsin DPI.

**The DHFS**, Division for Supportive Living (DSL) is the lead agency responsible for Wisconsin's early intervention system, called the Wisconsin Birth to 3 Program. DHFS is responsible for developing and supporting a statewide, comprehensive system of services for children with disabilities birth to age three and their families in accordance with IDEA, Part C. Each county board of supervisors is responsible for designation of an administrative agency for the Birth to 3 Program. The county administrative agency ensures that all infants and toddlers eligible for the Program receive coordinated and appropriate services in accordance with the Individualized Family Service Plan (IFSP). County administrative agencies provide services directly, or may contract with private early intervention providers; community based providers, such as clinics, hospitals; or cooperative educational service agencies (CESAs).

**The Wisconsin DPI** is the state education agency responsible for special education in Wisconsin in accordance with IDEA, Part B. Local education agencies (LEAs) are mandated to locate, identify, and evaluate children who have disabilities to determine the need for special education and related services. LEAs ensure the provision of a free and appropriate public education (FAPE) for eligible children as defined in Chapter 115, Wisconsin Statutes. County Children with Disabilities Education Boards (CCDEBs) and CESAs may also provide special education services under contract with LEAs.

## **III. PURPOSE OF AGREEMENT**

The DHFS and DPI agree to work together to establish and implement statewide policies, procedures, and practices to ensure that all infants and toddlers who are eligible for special education and related services are identified, located, evaluated, and transitioned to appropriate early childhood special education services by the age of three. This agreement commits DHFS and DPI to a public awareness, child find, and transition system which addresses the infant and toddler population in accordance with Part C, of IDEA, 34 C.F.R. 303.301, 303.320, 303.321, 303.322, 303.344(h), and 303.148. This agreement and the child find and transition systems will also be consistent with Part B of IDEA, 34 C.F.R. 300.121, 300.125, 300.132 and 300.220.

Recognizing the collaborative intent of IDEA Parts B & C, DHFS and DPI have worked to remove prior legal barriers to collaboration. The current state statutes,

resulting policies, and training materials further strengthened and clarified roles, responsibilities, and collaboration between the two programs. A framework is provided for LEAs and county Birth to 3 administrative agencies to define specific collaborative processes and determine parameters for sharing staff expertise and resources.

This interagency agreement recognizes the respective responsibilities of DHFS and DPI in the areas of public awareness and child find. Child find responsibilities include the location, identification, and evaluation of children with suspected disabilities, and transition of children from the Birth to 3 Program to early childhood special education. It further recognizes the various public awareness, child find, and transition efforts in existence throughout the state.

This agreement promotes coordination between DHFS and DPI and between county Birth to 3 administrative agencies and LEAs. This coordination is intended to eliminate unnecessary duplication of effort as public agencies commit to making use of their resources to establish effective and comprehensive child find systems. This coordination is also intended to facilitate the smooth transition of children and address gaps in services for children.

Both DHFS and DPI accept the framework established by this agreement. This agreement will be the basis for statewide activities related to child find and transition efforts. This agreement will further serve as the foundation for providing resources and training to county Birth to 3 administrative agencies and LEAs. Specific requirements and roles of the county Birth to 3 administrative lead agency and the LEA are further described in Section IV of this agreement and in other policies and procedures.

#### **IV. SPECIFIC ROLES AND RESPONSIBILITIES OF THE STATE AGENCIES**

The DHFS and DPI acknowledge their respective and collective roles and responsibilities in the areas of public awareness, child find, evaluations, and transitions. These roles and responsibilities are further defined in Section 115.762(3)(a), 115.77(1m)(a) and (c), 115.782 (2)(b) 1, and 115.787(1) Wis. Stats., as well as in Wis. Adm. Code HFS 90.05(2)(b-d), 90.06 (2)(a-b), 90.07(1-2) and 90.10 (5)(f).

The DHFS agrees to inform county Birth to 3 administrative agencies of their authority and legal obligation for public awareness, child find, evaluations, and transition. The DPI agrees to inform county LEAs of their authority and legal obligation for public awareness, child find, evaluations, and transition. Both DHFS and DPI agree to include these roles and responsibilities in the systems used for compliance monitoring. Specific roles and responsibilities are detailed below.

**A. Public Awareness and Child Find - Location and Identification**

Both DHFS and DPI agree to cooperate in public awareness and child find activities to inform the general public about the availability of services to young children from birth to age six with developmental delays and disabilities and their families. This includes the coordination of effort for a central directory of information on resources and programs; the dissemination of child find and screening materials; and the provision of technical assistance to local communities on community screening, outreach activities, and the development of informed referral networks.

Both DHFS and DPI accept financial responsibility for funding their required components of public awareness and child find. By joining efforts and pooling resources, the departments recognize that they are better able to maximize available resources and provide a needed service to children and families.

The DHFS is specifically responsible for the development and implementation of a comprehensive public awareness program that informs the public about the state's early intervention program, the child find system, and the central directory. The DHFS is also responsible for the development and implementation of a child find system that ensures that all infants and toddlers, birth to 3 years of age, who are eligible for the Birth to 3 Program are identified, located, and evaluated. The DHFS shall carry out the following responsibilities:

- Operate the central directory in accordance with HFS 90.05 (2)(d). The public awareness program will have coverage that is broad enough to reach the general public, including those with disabilities, and will include a variety of methods for informing the public about child find activities. This program may also be utilized to assist local child find efforts.
- Develop policies, procedures, and activities that ensure all infants and toddlers in the State who are eligible for services under Part C are identified, located, and evaluated.
- Involve representatives from DPI, other agencies engaged in child find efforts, and the Interagency Coordinating Council (ICC) in planning of statewide public awareness and child find activities.
- Ensure that county Birth to 3 administrative agencies establish local child find systems, which include LEAs.
- Ensure that county Birth to 3 administrative agencies are aware of their responsibilities as a primary referral source for LEA early childhood special education programs.
- Develop and implement an effective method of determining which children are receiving needed early intervention.

The DPI is responsible for ensuring that LEAs maintain a comprehensive child find system that will identify, locate, and evaluate all children with disabilities who reside in the state in accordance with IDEA, Part B, and Subchapter V of Chapter 115, Wisconsin Statutes, and its implementing rules. These responsibilities may overlap with DHFS responsibilities in the identification and location of children with developmental disabilities or developmental delays under the age of three. The DPI shall carry out the following responsibilities:

- Collaborate with DHFS in the implementation of the Birth to 3 child find-public awareness program by supporting the functioning of the central directory for children to age six.
- Advise, assist, and cooperate with DHFS in the development of policies, procedures, and activities related to public awareness, child find, and transition for children age birth to three consistent with DPI's role as a cooperating partner in the infant and toddler with disabilities program.
- Ensure that LEAs maintain a comprehensive child find system consistent with their responsibilities to provide special education programs for children three years to twenty-one years of age found to have a disability and need special education. This will include: monitoring LEA policies, procedures, and activities to ensure that children in need of special education in the State who are eligible for services are identified, located, and evaluated.
- Inform LEAs that they may, and give information related to how they may, continue to utilize IDEA funds for child find and transition efforts in cooperation with the county Birth to 3 administrative agencies.
- Encourage LEAs to utilize school census activities as a means of gathering information on children ages birth to three and to share that information.

**B. Child Find – Evaluation**

Under IDEA, both DHFS and DPI have responsibilities for child find evaluation for children with disabilities from birth to three years of age. Through this agreement, the departments agree that the primary responsibility for the evaluation of children depends on which program will be developing and providing the individualized service/education plan. If the child is being evaluated for eligibility for the Birth to 3 Program, DHFS and the county Birth to 3 administrative agencies are responsible for the evaluation. If the child is being evaluated to determine the existence of special educational needs that determine eligibility for special education services at age three, the DPI and the LEAs are responsible for the evaluation.

An LEA may fulfill its child find and evaluation responsibility for children birth through age two years and nine months by referring an identified child to the county Birth to 3 administrative agency and ensuring that an evaluation is completed, or the LEA can complete the evaluation for special education and related services. A county Birth to 3 administrative agency may fulfill its child find evaluation responsibility for children two years and nine months through three years of age by performing a screening and referring an identified child to the LEA and ensuring that an evaluation is completed.

Though the primary responsibility for evaluation rests with the agency that will be providing the service, it is the position of DHFS and DPI that county Birth to 3 administrative agencies and LEAs should maintain their collaborative efforts and enter into agreements to share staff and expertise each have in evaluating the developmental status of young children. This sharing, for example, has occurred when children under the age of three are being evaluated in a low incidence disability area, such as vision or hearing. LEAs may have specialized staff who could assist the county Birth to 3 administrative lead agency in the evaluation of these children.

The DHFS and DPI will continue to encourage this collaboration, and suggest that the county Birth to 3 administrative agencies and LEAs develop interagency agreements. These agreements should define the parameters for collaboration, and address the sharing of staff expertise and resources while defining the procedures and payments, if any, such sharing might involve.

### **C. Transition**

Through state statutes and rules, as well as interagency policies and procedures, DHFS and DPI seek to coordinate the transition process for children who may be eligible for special education services under Part B. The intent is to provide a smooth transition and to reduce gaps in service delivery. The state special education statutes, Section 115.77(1m)(c), Wis. Stats., ensure that the IEP has been developed and that FAPE has been made available by the child's third birthday.

Transition planning for children in the Birth to 3 Program who may be eligible for special education services under Part B requires the development of a coordinated transition plan and convening a transition planning conference. Chapter HFS 90 90.10 (5)(f)4 identifies the steps to be taken to support the child and family through transitions. These include convening, with the approval of the family, a transition planning conference at least 90 days before the child's third birthday. Section 115.77 (1m) (c), Wis. Stats., requires LEA participation in the transition planning conference arranged by the county administrative agency.

The DHFS will ensure that county Birth to 3 administrative agencies develop and implement local referral and transition procedures for children who may be eligible for special education services or other programs offered by the LEA. These shall be consistent with HFS. 90.10 (5) (f). These procedures shall include a description of how the families will participate in the transition planning. The procedures also include how the county Birth to 3 administrative agency will convene, with the approval of the family, a transition planning conference among the local county Birth to 3 administrative agency, the family, and LEA at least 90 days before the child turns three years of age to review the child's program options.

The DPI will ensure that LEAs develop and implement local referral and transition procedures, including attending the county Birth to 3 administrative agencies' transition planning conference and assuring that special education programs are available when a child with a disability attains the age of three. With the consent of the family, the Birth to 3 Program will forward the individual child's early intervention records to be used during the LEA's review of existing data. Birth to 3 Program staff are encouraged to participate as part of the individualized education program (IEP) team.

The timing of a child's third birthday will influence the transition process and timeframe. Interagency collaboration will be especially critical when the child turns three between the months of May and October. Local interagency agreements should address referral procedures in these instances to ensure that the timelines can be met, and the transition is as smooth as possible. The IEP team, which includes the parents, will consider the child's developmental needs, determine the services to be provided by the LEA, and establish the date that services will begin.

Based on the child's individual needs, several options may be considered:

- Generally, children turning three late in the school year should begin school services when they turn three. In some instances, the IEP team, including the family, may decide that IEP services will begin at the start of the upcoming school year. The Birth to 3 Program may develop a transition plan that continues current services.
- When children turn three during the summer, the IEP team, which includes the parent, may begin to implement the IEP upon the start of the school year, or if necessary for the child to receive FAPE, the IEP team may decide to begin to implement the IEP through extended school year (ESY) services. When the IEP team determines that special education services will begin at the start of

the school year, the Birth to 3 Program can develop a transition plan to continue services until the IEP services begin.

- Children turning three early in the school year may begin school services prior to age three as determined by the IEP team.

County Birth to 3 administrative agencies and LEAs should develop interagency agreements that identify the roles and responsibilities of each agency in the areas of transition. These agreements will be especially helpful in dealing with birthdays between the months of May and October. Local interagency agreements should address referral procedures in these instances to ensure that the timelines can be met, and the transition is as smooth as possible.

#### **D. Informed Referral Networks and Community Collaborations**

Both DHFS and DPI recognize a wide variety of primary referral sources and service providers within birth to six child find systems. DHFS and DPI recognize the need to develop informed referral networks and collaborative efforts on the state and local level. The agencies agree to coordinate their efforts in developing an informed referral network within the state that extends to other health and social service programs. Both DHFS and DPI will encourage LEAs and county Birth to 3 administrative agencies to work together to develop and implement a local informed referral network to ensure collaborations related to local public awareness, child find, transition, and service delivery systems.

The primary referral sources within the informed referral networks will include, but are not limited to:

- Parents.
- DHFS Programs: Birth to 3; Maternal and Child Health; Medicaid's Early Periodic Screening, Diagnosis and Treatment (EPSDT, also known as HealthCheck); Children With Special Health Care Needs; Woman, Infants and Children; and Family Support.
- The DPI, LEAs, CESAs, and CCDEBs.
- Wisconsin First Step, the central directory information and referral service.
- Public Health Agencies.
- Social/Human Service Agencies.
- Programs supported by the Wisconsin Council on Developmental Disabilities.
- Head Start.
- Tribal Health Centers.
- Health providers, such as neonatal intensive care units; perinatal follow-through clinics; hospitals; health clinics; and physicians.

- Child care providers.
- Other providers of services to young children and their families.

LEAs and county Birth to 3 agencies are encouraged to develop informed referral networks to implement consistent community approaches to the identification and provision of services for children eligible for services under IDEA and applicable state law. These approaches could include joint public awareness publications listing both referral numbers, "child development days", child find events, single point of entry, joint staff training, efforts to develop "one stop service sites," and delivery of services in community based settings. Birth to 3 Program and LEA funds may be used for collaborative efforts in accordance with funding requirements.

#### **E. Data Collection and Information Sharing**

Both DHFS and DPI recognize the importance in developing systems for sharing aggregate data on the state level to support system development. They recognize that data collection and information sharing must be done within the confines of confidentiality laws. Within the confines of confidentiality laws, the departments will explore methods of data collection based on child specific data matches to generate aggregate information on program or service outcomes. At this time, the departments agree to the following collection and sharing of aggregate data:

- The DHFS agrees to compile aggregate data about children participating in Birth to 3 Programs, such as age ranges, client characteristics, services, transitions to special education, early intervention locations and services, and personnel. This information will be available to the Birth to 3 county administrative agencies, DPI, and LEAs.
- The DPI agrees to compile aggregate data related to the number of children transitioning from the Birth to 3 Program who continue to receive special education services from the LEA and other data on the statewide special education population. This aggregate information will be available to LEAs, DHFS, and the Birth to 3 county administrative agencies.

On a local level, the Birth to 3 administrative agency will annually provide non-personally identifiable information to the LEA about children with suspected disabilities being served by Birth to 3 to support public awareness and child find efforts. During the transition and evaluation processes, personally identifiable information will only be shared with appropriate parental consents.

## **V. LOCAL INTERAGENCY AGREEMENTS**

Both DHFS and DPI agree to encourage and support efforts between counties and LEAs to collaborate around local public awareness, child find, and transition activities. Local interagency agreements are encouraged to establish the manner in which collaboration will occur within the law. This state level agreement may serve as a model for local agreements. Local interagency agreements may increase the amount of collaboration between the agencies as long as those local agreements meet minimum obligations detailed in this agreement and remain consistent with Part B and Part C of IDEA and their respective authority under applicable state laws.

These agreements should define the parameters for collaboration and address roles and responsibilities of each agency; interagency policies activities and/or strategies; sharing of staff expertise and resources while defining the procedures and payments, if any, such sharing might involve; and methods for resolution of disputes.

## **VI. RESOLUTION OF DISPUTES**

### **A. General Procedures for Intra and Inter Agency Disputes**

For the resolution of disputes arising over issues addressed in this agreement, all parties will utilize the appropriate steps and methods as described herein. Informal resolution will be the first step in dealing with any disputes relative to this agreement.

When an issue cannot be resolved, through informal resolution, it should be handled as a formal dispute. Formal disputes under these procedures are to be filed in writing at the appropriate state or local level. The materials presented will include the regulation or requirement related to the dispute, the specific issue needing resolution, the prior steps taken to resolve the issue, and any additional relevant information that may impact on the issue. Utilizing the information presented, a good faith effort will be made to reach a mutually satisfactory solution. Efforts must be made at each level for resolution in a timely manner.

### **B. Resolution of State Department Intra-agency Disputes**

This agreement recognizes that DHFS and DPI each have its own administrative mechanisms for the timely resolution of internal disputes. This agreement recognizes these procedures and permits each agency to resolve its own internal disputes. Both agencies, in turn, agree that resolution of disputes and related issues will be based on the policies and procedures that have been agreed upon relative to this agreement. Both agencies agree to timely resolution of internal disputes.

**C. Resolution of State Department Interagency Disputes**

1. Resolution between agencies: When a formal dispute arises between the agencies regarding the terms of this agreement, the party seeking clarification shall utilize the following procedure for resolution:
  - a. The issue will be referred to the respective division administrators or their designees for resolution.
  - b. If the issue is still unresolved, it will be referred to the highest level with each agency for resolution.
  - c. All necessary steps in the resolution process under this section, IV. C. 1., shall occur within 60 days from referral to the division administrators. If acted upon in good faith, with just cause, and through mutual agreement, an extension may be granted.
2. Binding Decision: If the dispute is not resolved by the department heads, the issue will be referred to the Secretary of the Department of Administration, whose decision will be final and binding on all parties. The decision must be made in a timely manner. Should costs for the resolution be incurred by this review under this section, IV. C.2., DHFS and DPI will each contribute one half of the total cost.

**D. Resolution of Local Interagency Disputes**

This agreement recognizes that agencies on a local level have their own procedures for the timely resolution of internal disputes related to the terms covered in this agreement. This agreement recognizes these local procedures and permits each local agency to resolve its own internal disputes.

When local agencies have disputes relative to this agreement, the dispute will first be discussed and, if possible, resolved at the local level between the involved agencies. Local agencies may establish formal procedures that specify the process for resolution of these local disputes in a timely manner, including the utilization of local ICCs if they exist.

If resolution cannot be achieved in a timely manner at the local level, the issue(s) will be presented in writing to the respective division administrators within each agency for resolution utilizing the procedures for interagency resolution found at section IV. C. in this document. The need for an on-site investigation may be determined through mutual agreement by DHFS and DPI at any time during the process of resolution. The resolution under IV. C. of this document will be considered binding.

**E. Financial Responsibility During Resolution of Disputes**

If financial responsibility for public awareness, child find, or transition is an issue in a dispute under this Section IV, that issue shall be resolved in accordance with the procedures in Section IV. C. During the pendency of a dispute, DHFS shall assign financial responsibility or shall pay for the disputed item. The dispute resolution shall determine the ultimate financial responsibility of the parties, including any costs assigned or paid during the pendency of the dispute.

**VII. REVIEW OF INTERAGENCY AGREEMENT**

This interagency agreement will be jointly reviewed and revised by all signing parties when laws and regulations are amended or when any party requests a formal change. This interagency agreement will be reviewed periodically by a joint committee of agency representatives.

**VIII. TERM OF AGREEMENT**

The term of this interagency agreement shall begin on the date of the final signatures. It will continue until replaced by a new agreement.

**IX. SIGNATURES**

\_\_\_\_\_s/JTB 12/14/99\_\_\_\_\_

John T. Benson                      Date  
Superintendent

Department of Public Instruction

\_\_\_\_\_s/JL 12/17/99\_\_\_\_\_

Joe Leeann                      Date  
Secretary

Department of Health and Family  
Services